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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Combined sixth to twelfth periodic reports submitted by Latvia under article 9 of the Convention, due in 2007*, **

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** The annexes to the present document are on file with the Secretariat and are available for consultation.

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Introduction

1. This document contains sixth to twelfth combined periodic report on the implementation of the 1965 Convention on the Elimination of All Forms of Racial Discrimination (hereinafter — the Convention) in the Republic of Latvia (hereinafter — Latvia) between 2008 and 2016. The fourth and fifth periodic reports of Latvia on the implementation of the Convention binding upon Latvia since 14 May 1992, was examined by the United Nations Committee on the Elimination of Racial Discrimination (hereinafter — the Committee) during its 63rd session that took place on 13 and 14 August 2003.

2. The information in the present report (hereinafter — the Report) has been compiled in accordance with the Guidelines of the Committee on the Elimination of Racial Discrimination of 13 June 2008 for the preparation of national reports on the implementation of the Convention.[1]

3. Information was collected by the Ministry of Foreign Affairs in cooperation with the Ministry of Economics, the Ministry of Culture, the Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Justice, the Ministry of Health and the Prosecutor General Office.

I. Article 1 of the Convention

4. On 22 April 2004 and on 21 September 2006, Article 29 of the *Labour Law* was amended in order to clarify the term „racial discrimination". The amendments prohibit direct and indirect discrimination and harassment or an instruction to discriminate based on the employee's sex, race, skin colour, age, disability, religious, political or other belief, national or social origin, property or family status, sexual orientation or other ground. In addition, the law incorporates in the national legislation the definition of direct and indirect discrimination and harassment. Latvia has amended several legal provisions concerning racial discrimination (see the Core document forming part of the reports of Latvia (hereinafter — the Common Core Document) paragraphs 180-185), including the *Law on Social Security* and the *Law on the Ombudsperson* (see also paragraph 22 of the present Report), the *Law on Associations and Foundations* (see paragraphs 68-71 of the present Report). On 17 May 2007, amendments to the *Latvian Administrative Offences Code* were adopted (in force as of 21 June 2007). Article 204[17] of the *Latvian Administrative Offences Code* now provides sanctions for violating the prohibition of discrimination as contained in legislative acts (a fine of up to 700 euro; see paragraphs 36-37 and 155 of the present Report).

5. Latvia informs that considering the conclusions and recommendations contained in the Informative Report "On the legal framework for liability for the incitement to national or ethnical hatred, for call for elimination of independency or undermining the territorial integrity and for desecration of national symbols",[2] supported by the Cabinet of Ministers on 17 June 2014, amendments to the *Criminal Law* were drafted and entered into force on 29 October 2014, introducing significant changes in the legal framework applicable to hate crimes (Articles 48, 78, 149[1] and 150 of the *Criminal Law*).

6. Committing a criminal offence due to racist, national, ethnic or religious motives is considered as an aggravating circumstance in Article 48, paragraph 14 of the *Criminal Law*.

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[1] Guidelines for the CERD-specific document to be submitted by States Parties under Article 9, paragraph 1 of the Convention, CERD/C/2007/1, adopted by the Committee on the Elimination of Racial Discrimination on 13 June 2008.

[2] Informative Report "On the legal framework for liability for the incitement to national or ethnical hatred, for call for elimination of independency or undermining the territorial integrity and for desecration of national symbols", examined during the meeting of the Cabinet of Ministers of 17 June 2014, Minutes of the Meeting No. 33, paragraph 93.

7. Article 78 of the *Criminal Law* provides for criminal liability for incitement to national, ethnic, racial or religious hatred or enmity. Article 149[1] of the *Criminal Law* provides for criminal liability for discrimination due to racial, national, ethnic or religious belonging or for the violation of the prohibition of any other type of discrimination, if substantial harm is caused thereby. Article 150 of the *Criminal Law* in its turn provides for criminal liability for an act aimed at inciting hatred or enmity depending on the gender, age, disability of a person or any other characteristics (including sexual orientation of the person), if substantial harm has been caused thereby. More severe punishment is envisaged if the above crimes have been committed by a public official or a responsible employee of an undertaking (company), or a group of persons, or if it is committed by using automated data processing system.

8. On 15 May 2014, Article 74[1] of the *Criminal Law* was amended to provide for criminal liability for public glorification of genocide, crime against humanity, crime against peace or war crime, or for the glorification, denial, acquittal or gross trivialisation of genocide, crime against humanity, crime against peace or war crime, including genocide, crime against humanity, crime against peace or war crime committed by the U.S.S.R. or Nazi Germany against the Republic of Latvia and its inhabitants.

9. The Chamber of Criminal Cases of the Supreme Court, when examining whether the accused has committed a criminal offence provided in Article 78 of the *Criminal Law* (criminal liability for incitement to national, ethnic, racial or religious hatred or enmity) due to racist motives, has given a broad explanation of the term "racism". It has noted, "Racism means a conviction that such factors as race, skin colour, language, religion, national or ethnical belonging may serve as grounds for contempt for an individual or group of individuals, or an opinion that an individual or a group of individuals is superior over other individual or group".[1]

10. The number of crimes registered in Latvia with motives related on hatred or prejudice is small (see Annex 1). Since 1991, no murder with racist motives or other offences with severe consequences have been registered in Latvia. Every person has the right to report hate crimes to the State Police or the Security Police (in person, via phone or in a written form), as well as by using websites: *http://www.naidamoziegumi.lv* (in Latvian) and *http://cilvektiesibas.org.lv* (in Latvian, Russian and English). Information received by these sites is then forwarded to the competent law enforcement authorities.

II. Article 2 of the Convention

Normative framework

11. In addition to the provisions referred to in Chapter III of the Common Core Document, Latvia informs that on 2 January 2013 the *Law on the Prohibition of Discrimination against Natural Persons — Performers of Economic Activities* entered into force. The new law improves the existing legal framework by stating that difference in treatment in the private and public area of a natural person, who is willing to perform or performs independent activity for remuneration, is prohibited not only on the ground of the gender, race and ethnical belonging, but also on the grounds of disability, sexual orientation and political, religious or other opinion.

12. On 22 May 2013, amendments to the *Law on Electronic Mass Media Means* entered into force, providing that commercial notifications must not incite to hatred and invite to discriminate any person or a group of persons due to gender, age, religious, political or other opinion, sexual orientation, disability, race or ethnical belonging, citizenship or other circumstances.

[1] Decision of the Chamber of Criminal Cases of the Supreme Court of the Republic of Latvia on 4 April 2007 in the criminal case No. 11511001005 (not published).

13. Furthermore, on 17 March 2005 the Law on State-guaranteed Free Legal Aid was adopted, which entered into force on 1 June 2005. The aim of this law is to facilitate the protection of a right to a fair trial, by providing financial assistance to receive legal aid. Pursuant to this law, the right to the State-guaranteed free legal aid is enjoyed by the citizens of Latvia; non-citizens of Latvia; stateless persons; the European Union (hereinafter — the EU) citizens who are not Latvian citizens and who are lawfully staying on the territory of Latvia; citizens of States other than EU states, provided that they are lawfully staying on the territory of Latvia; persons who enjoy the right to the State-guaranteed legal aid by Latvia pursuant to international treaties concluded by Latvia; and asylum seekers, refugees and persons having received alternative status in Latvia.

14. Several other legal acts important for eliminating all forms of racial discrimination have been adopted, for instance, on 18 May 2006 the Law on State-provided Compensation to the Victims was adopted, on 11 April 2006 the Law on the Procedures for Holding in Detention (see paragraph 49 of the present Report) was adopted, on 29 January 2004 the Law on Election to the European Parliament was adopted (see paragraph 59 of the present Report), on 31 October 2002 the Immigration Law, and on 16 January 2016 the Asylum Law was adopted (see paragraph 60 of the present Report), as well as amendments to the Education Law (see paragraph 107-108, 123, 128 of the present Report), the Law on Meetings, Processions, and Pickets (see paragraphs 25 and 66-67 of the present Report) and the Law on Strikes (see paragraph 68 of the present Report) were adopted.

Policy initiatives

15. From 2005 to 2009, the State authorities implemented the National Programme for Promotion of Tolerance. Informative and educational work with public was carried out within the framework of the programme by funding for this purpose through State budget subsidies several projects that the non-governmental organizations (hereinafter — NGO) implement in promoting tolerance. Several projects Latvia — Equal in Diversity were implemented in Latvia, consisting of activities of the State administration authorities and NGO partnering networks aimed at the elimination of discrimination, promotion of tolerance and public information on the policy of anti-discrimination.

16. The European Parliament and Council decision No. 771/2006/EC (17 May 2006) determined 2007 as the European Year of Equal Opportunities towards a Just Society. The goals of the Year of Equal Opportunities was related to respecting the rights (improving the level of knowledge concerning the right to equality and non-discrimination, as well as problems related to discrimination on multiple grounds), ensuring representation (facilitating debates about how to improve the balanced participation in society of men and women), recognition (facilitating and respecting diversity and equality) and respect (promotion of a more homogenous society). In the beginning of 2007 10 NGOs received financial support for implementing projects within the framework of Year of Equal Opportunities, implementing in total 13 projects, including a project aimed at facilitating inclusive attitude by the society when having contact with persons of different race and improving understanding about formation of multicultural society. The total amount earmarked to implementation of this project was 196,249.21 euro (including the State budget funding of 98,124.61 euro and the EU budget 98,124.61 euro).

17. On 27 September 2006 the Cabinet of Ministers adopted Policy document on education development 2007-2013 (hereinafter — the Policy Document). One of the courses of action of the Policy Document was providing of education opportunities to the national minorities in Latvia. The framework of this course of action provided improvement of educational programs for the national minorities, development of new methodological materials for children belonging to national minorities, as well as promotion of cooperation with parents of children belonging to national minorities. At the same time, the Policy Document foresaw events to improve the level of education of Roma children, by providing appropriate educational program and methodology, and to broaden the opportunities of members of Roma community, who have exceeded the age of compulsory education, to get involved in the education process.

18. In the Guidelines on National Identity, Civil Society and Integration Policy (2012-2018) adopted in 2011, promotion of inclusion of socially marginalized groups into society and elimination of discrimination was set as one of courses of action. In order to achieve this purpose, a number of educational and informative measures has been implemented since 2012; training workshops were organized for employees of the State administration and local government authorities, employers, journalists, various professionals; educational activities were carried out for different groups of society about the third-country nationals and their integration; NGO projects were supported, including Roma, in order to ensure their full access to services and participation in the development of civil society.

19. During between 2013 and 2015 the Society Integration Foundation (public foundation with the aim to financially support and promote public integration) in cooperation with the Ministry of Culture, Judicial Training Centre and social partners implemented the projects "Different people. Various experiences. One Latvia", directed towards combating discrimination and promotion of diversity. Wide range of activities were carried out within the framework of the projects, including establishment of a cooperation network between the State administration authorities and NGO, drafting of guidelines on the development of effective supervisory system of non-discrimination policy, implementation of activities for improving public awareness, creation of a series of short films reflecting unjustified different attitude because of the gender, ethnicity, disability, race, religion, sexual orientation and age, implementation of support activities for integration of representatives of the Roma community, organisation of trainings for employees of public authorities and local governments (including police officers, social workers, culture employees, NGO etc.) regarding the issues of diversity and cross-culture communication, drafting of researches — "Roma in Latvia" and "**Study of the situation of diversity management in enterprises**".

20. The Ministry of Culture and the Society Integration Foundation regularly implements programmes where the NGO can submit applications for projects aimed at development of civil society and support to social justice, democracy, sustainable growth, cross-culture dialogue, including restriction of racism, xenophobia and discrimination.

21. In 2012-2013, the European Council project "Combating discrimination based on sexual orientation and gender identity" was implemented in Latvia. Within the framework of the project the NGO "Association of lesbians, gays, bisexuals, transgender persons (hereinafter — LGBT) and their friends Mozaika" has developed a draft action plan "Advancing Equality and Respectful Society" 2015-2017, which was submitted to the Government. Moreover, more than 20 activities on LGBT rights and human rights were implemented within the framework of the project, including by reviewing normative framework, organizing workshops, discussions, trainings and other events. In June 2015, the events of EuroPride took place in Riga. In total, 50 various events, including conferences, workshops, discussions and exhibitions, were held.

Institutional system

22. Since the submission of the previous periodic report the institutional system of Latvia has undergone several changes in the area of combating racial discrimination — administrative courts, the Office of the Ombudsperson and the Legal Aid Administration have been established. For more information on administrative courts and judicial power, see paragraphs 44-49 of the Common Core Document, for more information on the Legal Aid Administration see paragraph 133-135 of the Common Core Document. For information on National Human Rights Institution (Office of the Ombudsperson) see paragraphs 56-59 of the Common Core Document, and for information on Ombudsperson's work on combating discrimination see paragraph 188 of the Common Core Document.

III. Article 3 of the Convention

23. Latvia refers to information provided in its previous reports and draws the Committee's attention that with the Declaration On Joining of the Republic of Latvia the International Instruments on Human Rights, adopted by the Supreme Council on 4 May 1990, Latvia joined the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. Latvia also wishes to clarify that the Convention against Discrimination in Education of 14 December 1960 and the International Convention against Apartheid in Sports of 10 December 1985 entered into force with respect to the Republic of Latvia on 14 May 1992.

IV. Article 4 of the Convention

24. Latvia refers to Chapter III of the Common Core Document and paragraphs 9-10 of the present Report, and in addition notes that Article 20 of the Criminal Law envisages liability for all forms of criminal complicity — organization, instigation and supporting. Article 891 of the Criminal Law provides for sanctions also for the establishment of a criminal organisation (association) aimed at committing especially serious crimes against humanity or peace, war crimes, committing genocide or committing especially serious crimes against the State, as well as for the involvement in such an organisation or in an organised group included within such organisation or other criminal formation.

25. Article 10, paragraph 2 of the Law On Meetings, Processions, and Pickets stipulates that it is prohibited to act against the independence of Latvia, to incite to violent change of the political system of Latvia, to call for disobedience of laws, propagate violence, national and racial hatred, open Nazism, fascism, or communism ideology, to propagate war, or to glorify or incite to committing crimes and other offences. On 14 November 2013, this Law was amended, providing that a local government can adopt a decision prohibiting an event if it is established that having it organised will endanger rights of others, democratic state system, public security, welfare or morals and the above-mentioned threats cannot be eliminated through putting restrictions on the course of the event.

26. With regard to the domestic case law, it should be noted that in assessing the objective side of the crime that could be in the form of "hate speech" — that is to say, public verbal or written incitement to racial, national or ethnic hatred against any group of the society, the domestic courts take into account the right to freedom of speech contained in Article 100 of the Constitution and in international human rights treaties.[4] Considering that Article 4 of the Convention imposes on the State an obligation to restrict forms of freedom of speech that incite to hatred, in the domestic case law it is strictly observed that expressions inciting to hatred are separated from the speech and other forms of person's freedom of expression that are not criminally punishable, as long as these expressions do not contain incitement to religious, national, ethnic or race hatred or enmity.

27. The domestic courts of Latvia in their case law have recognised that the objective side of the criminal offence provided in Article 78 of the Criminal Law can also be in the form of acts that include the use of symbols and rituals that have acquired a certain meaning in order to trigger race, national or ethnic hatred.

28. Article 78 and Article 150 of the Criminal Law (criminal liability for inciting social hatred and enmity) contains such aggravating circumstances as "violence", "threat", which in the domestic case law are most often applied with respect to crimes against the health of a person. If, because of racist motives, the offenders have committed other criminal offences, for example, damaging of property, in the domestic case law such acts are qualified as the ideal aggregation of criminal offences.

29. With regard to application of Article 78 of the Criminal Law, the domestic courts have adjudicated several cases, where persons have expressed hateful comments on various

[4] Court practice in criminal cases on triggering national, ethnic or race hatred or enmity. Supreme Court of the Republic of Latvia, 2012. Available here (in Latvian): www.at.gov.lv

websites — comments in the sections of news portals, social networks etc. Such comments are directed mostly against Latvians,[5] Jews,[6] Russians[7] and Roma.[8] Existence of the corpus delicti provided for by Article 78 of the Criminal Law has been assessed also with respect to such acts as sending letters to public officials inciting enmity[9] and committing unlawful acts in cemetery.[10]

30. For example, on 31 March 2006 the Chamber of Criminal Cases of the Riga Regional Court found three persons guilty of committing an especially serious crime (Article 78, paragraph 2 of the Criminal Law). The convicted persons, members of the Skinheads group, yelling a racist slogan attacked the dark-skinned employee of the Embassy of the United States of America and caused him bodily injuries. The Riga Regional Court convicted the two adults to suspended deprivation of liberty for one year with probationary period of three years, but one minor — to suspended deprivation of liberty for six months with probationary period of two years.[11]

31. With a judgement of 22 January 2014, the Riga City Kurzeme District Court sentenced a person for committing an especially serious crime provided in Article 78, paragraph 2 of the Criminal Law. The court found that comments placed by this person on the news portal, objectively incited to national, ethnic and race hatred and enmity between various ethnicities, because the content of the comments was directed against persons belonging to a certain ethnicity, expressing about them on contemptuous manner, using vulgar designations and comparisons, as well as uncensored expressions. The Riga City Kurzeme District Court concluded that the wording of published comments is contrary to, and exceeds the limits of the right to freedom to hold and express opinion, to search, receive and distribute all types of information and ideas stipulated by Article 100 of the Constitution and international human rights treaties.[12]

32. On 6 June 2014 the Riga City Latgale District Court delivered a judgement convicting a person under Article 78, paragraph 2 of the Criminal Law and sentencing this person to deprivation of liberty for four months for publishing on a website comments that expressed negative, offensive and contemptuous attitude towards a certain ethnicity and promoting negative and hateful opinion in public about a certain ethnicity, thus causing enmity in public, inciting to conflicts and promoting national hatred.[13]

33. With a judgment of 18 September 2014, the Zemgale District Court ruled that even if the author of hateful comments is re-publishing a text created by another person, the author is liable for publishing of hateful information to the same extent as when creating the

[5] For example, judgement of the Riga City Latgale District Court of 21 September 2015 in the case No. 11840000915, judgement of the Riga City Kurzeme District Court of 17 December 2014 in the case No. 11840001414 (available in Latvian): https://manas.tiesas.lv), judgement of Riga City Latgale District Court of 11 December 2014 in the case No. 11840001513 (available (in Latvian) at): https://manas.tiesas.lv).

[6] For example, judgement of Riga City Zemgale District Court of 18 September 2014 in the case No. 11840003713 (available in Latvian at): https://manas.tiesas.lv), judgement of the Cesis District Court of 29 July 2014 in the case No. 11840002510 (available (in Latvian) at): https://manas.tiesas.lv).

[7] Judgement of the Riga City Kurzeme District Court of 22 January 2014 in the case No. 11840004913 (available (in Latvian): https://manas.tiesas.lv).

[8] Judgement of the Valmiera District Court of 7 May 2015 in the case No. 11840003614 (available in Latvian: https://manas.tiesas.lv).

[9] Decision of the Supreme Court of 24 April 2014 in the case No. 11840000811 Available here (in Latvian): https://manas.tiesas.lv.

[10] Judgement of the Riga Regional Court of 26 January 2015 in the case No. 11094119210. Available here (in Latvian): https://manas.tiesas.lv (part of the judgment has not entered into force).

[11] Judgement of the Chamber of Criminal Cases of Riga Regional Court of 31 March 2006 in the case No. K04-0253-06/20/2006 (not published).

[12] Judgement of the Riga City Kurzeme District Court of 22 January 2014 in the case No. 11840004913. Available here (in Latvian): https://manas.tiesas.lv/eTiesasMvc/lv/nolemumi.

[13] Judgement of Riga City Latgale District Court of 6 June 2014 in the case No. 11840001013. Available here (in Latvian): https://manas.tiesas.lv/eTiesasMvc/lv/nolemumi.

text him or herself. A person need not necessarily be the author of disputed expressions or other type of expression of hate.[14]

34. In examining cases where it is assessed whether the person has committed a crime provided in Article 78 of the Criminal Law, the national courts evaluate the conduct of the accused also in the context of the freedom to hold opinions and freedom of expression.[15] The Riga City Ziemelu District Court in a judgment particularly emphasized that expression of an opinion, which divides persons according to any grounds, antagonises one part of society to another or can cause dislike or even hate in relation to the respective groups of persons, conflicts with Article 14 and 17 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 91 of the Constitution of the Republic of Latvia.[16]

35. Article 350 of the Criminal Procedure Law provides that if a victim considers that the compensation paid by the person who had caused damage by committing a criminal offence does not entirely remedy the harm caused, he or she has the right to request the compensation in civil procedure. The domestic case law in this regard shows that there have been persons who have suffered from racial discrimination, and who have submitted to the courts a civil claim and have received a compensation for non-pecuniary damage.

36. Article 41 of the Latvian Administrative Offences Code foresees administrative responsibility for violation of the legislative acts governing labour relations, which, taking into account amendments to the Labour Law, improves the protection of the employees against discrimination.

37. With the amendments of 17 March 2005 to the Latvian Administrative Offences Code, Article 1743 thereof foresees responsibility for violation of procedure of organising and conducting meetings, marches and piquet lines, as well as public entertainment and festivity events, while Article 1745 thereof foresees responsibility for public incitement to break the law.

38. In the practice of the administrative courts, the issues of incitement to hatred have mostly been assessed in the context of prohibitions to organize processions, if there are reasons to believe that the respective event could be aimed at inciting hatred. The national courts have stated that freedom of speech also includes a right to express opposite opinions and opinions unpleasant for others. Still, the applicable human rights — freedom of assembly and freedom of speech — are not absolute, namely, assembly where organizers and participants of the assembly have violent motives or otherwise deny the foundations of democratic society, is not protected. In such cases the courts assess not only the purposes formally specified in documents of the organisation, but also the real activities and opinions it represents. Events that are aimed at public incitement to hatred or other aggressive purpose are considered unlawful, and the State does not have a positive obligation to ensure the happening of such an event.[17] Freedom of assembly is restricted, when evidence is obtained that the purpose of the event is incitement to national or any other type of hate.[18]

39. In the practice of the Latvian administrative courts several cases touching upon various aspects of prohibition of discrimination have been adjudicated, for example, calculation of unemployment benefit indirectly discriminating women;[19] inaction of a

[14] Judgement of the Riga City Zemgale District Court of 18 September 2014 in the case No. 11840003713. Available here (in Latvian): https://manas.tiesas.lv.

[15] Judgement of the Riga City Ziemelu District Court of 17 March 2016 in the case No. 11840000313, judgement of the Riga District Court of 6 January 2015 in the case No. 11840005213. Available here (in Latvian): https://manas.tiesas.lv.

[16] Judgement of the Riga City Ziemelu District Court of 17 March 2016 in the case No. 11840000313.

[17] Judgement of Administrative District Court of 8 May 2014 in the case No. A20275214, paragraph 11. Available here: *https://manas.tiesas.lv*.

[18] For example, decision of the preparatory meeting of the Supreme Court of 7 July 2015 in the case No. SKA-156/2015 (A420275214), judgement of the Administrative District Court of 8 May 2014 in the case No. A420275214. Available here (in Latvian): *https://manas.tiesas.lv*.

[19] Judgement of the Supreme Court of 15 October 2010 in the case No. SKA-480/2010 (A42522707). Available here (in Latvian): *https://manas.tiesas.lv, www.at.gov.lv*.

medical institution failing to ensure that a disabled person can enter the facility;[20] restriction on the exercise of the freedom of religion in the places of deprivation of liberty;[21] allegations of discrimination in employment relations on the basis of age,[22] gender,[23] health condition (disability).[24]

V. Article 5 of the Convention

40. Latvia refers to the information provided in the Periodic Report (see paragraph 135 and subsequent paragraphs) on the implementation of Article 5 of the Convention, and additionally provides the following data.

The right to equal treatment before tribunals

41. The basic principle contained in the Criminal Procedure Law that providing for a uniform procedure for all persons involved in the criminal proceedings, regardless of the origin, social and property status, employment, citizenship, race and nationality, attitude towards religion, gender, education, language, place of residence of these persons and other circumstances, is applicable to all criminal offences provided by the Criminal Law, including criminal offences related to terrorism.

42. Latvia refers to the information provided in paragraph 221 of the Common Core Document and notes that Article 11 of the Criminal Procedure Law stipulates that a person who has the right to defence, in case he or she does know the official language, may use the language he or she understands. According to Article 575, paragraph 1, subparagraph 4, of the Criminal Procedure Law, the violation of the accused rights to use a language he or she understands and use the assistance of an interpreter is among the grounds sufficient to revoke the court's ruling.

43. In accordance with Article 3211 of the Criminal Procedure Law, the day of delivery of a court judgment or decision by which the proceedings are completed is the day on which the judgment or decision, or the translation of the judgment or decision is available at the court chancellery, but for an accused who is being held in pretrial detention, house arrest or in a social correctional educational institution — the day on which a written translation of the judgment is issued to him or her or he or she is familiarised with the judgment in accordance with the procedures prescribed by law. The court provides the accused with a written translation of the judgment in a language he or she understands, or in certain cases provided for by law a court must provide the accused with a possibility to familiarise himself or herself with the judgment with an assistance of an interpreter.

44. With regard to the use of official language and providing of interpretation services in the adjudication by a court of civil disputes, Latvia informs that until 31 July 2016 Article 13 of the Civil Procedure Law provided a broad, de facto unlimited obligation of the State to ensure to any natural person who does not have a command of the language of the court proceedings (official language), except for representatives of legal persons, an interpreter, including in order to examine the materials of the case and to participate in procedural actions with an assistance of an interpreter. With the amendments to the Civil Procedure Law that entered into force on 31 July 2016, an obligation was put on the party itself to

[20] Judgement of the Supreme Court of 11 July 2014 in the case No. SKA-130/2014 (A420745010). Available here (in Latvian): *https://manas.tiesas.lv*.

[21] Judgement of the Supreme Court of 6 May 2010 in the case No. SKA-160/2010 (A42446907). Available here (in Latvian): *https://manas.tiesas.lv*.

[22] Judgement of the Riga Regional Court of 27 October 2014 in the case No. C30765111. Available here (in Latvian): *https://manas.tiesas.lv*, judgement of the Supreme Court of 27 August 2014 in the case No. SKA-409/2014 (civil service case). Available here (in Latvian): *www.at.gov.lv*.

[23] For example, judgement of the Riga City Kurzeme District Court of 31 January 2014 in the case No. C28448113. Available here (in Latvian): *https://manas.tiesas.lv*, judgement of the Riga City Zemgale Suburb Court of 20 November 2013 in the case No. C31404213. Available here (in Latvian): *https://manas.tiesas.lv*.

[24] Judgement of the Riga Regional Court of 17 September 2015 in the case No. C29802611. Available here (in Latvian): *https://manas.tiesas.lv*.

ensure an assistance of an interpreter of he or she does not know the language of the court proceedings, as well as an obligation to cover expenses related to such services. Unconditional obligation of the State to provide for an interpreter is applicable only with respect to those natural persons who receive the State-funded legal aid in the civil case or are exempted from payment of court fees. The Cabinet of Ministers determines the payment rates for the expenses of the interpretation. The fact that the court proceedings take place in an official language and that the participants of the proceedings, if necessary, have an obligation to ensure the assistance of an interpreter, is specified in court summons.

45. With the entry into force of the above-mentioned amendments to the Civil Procedure Law, persons in certain categories of civil cases are exempted from obligation to cover the expenses of interpreter. For example, these are cases where persons face difficulties in finding the necessary financial resources in order to litigate against often economically more powerful party (such as labour law claims, cases on recovery of means of support), or these are persons with a specially protected status (such as in cases concerning the interests of children, or a person with restricted legal capacity), victims of violence or persons who receive the State-funded legal aid due to their status of a low-income or poor person. Furthermore, natural persons will be able to obtain exemption from payment of expenses of interpreters also on the basis of a separate court decision, if, according to the court, when assessing the property status of a person it is reasonable to exempt the person from payment of court fees.

46. Thus with these amendments to the Civil Procedure Law the obligation of the State to provide mandatory free services of an interpreter to all natural persons involved in the civil proceedings was reduced and balanced. Pursuant to these amendments the right of every natural or legal person to apply to a court to protect their infringed or disputed civil rights or interests protected by law, as stipulated by Article 1 of the Civil Procedure Law, is not restricted. The amendments likewise do not restrict the implementation and application of the principle of equality and the principle of adversarial proceedings set by the Civil Procedure Law. The amendments are equally applicable to all persons involved in the civil proceedings regardless of the origin, employment, nationality, race and citizenship, attitude towards religion, gender, education and place of residence of such persons.

47. Pursuant to Article 110 of the *Administrative Procedure Law*, administrative process takes place in the State language, but the court may permit certain procedural activities to be carried out in another language, if a participant in the administrative proceedings so requests and other participants agree to it. Participants to administrative proceedings, except the representative of a legal person, who do not have the command of the language of the process, have the right to become acquainted with the materials of the matter and to participate in procedural actions with the aid of an interpreter.

The right to security of person and protection by the State against violence

48. Latvia refers to paragraphs 53-54 of the Common Core Document, which provides information on the Internal Security Bureau that was established with a purpose of ensuring lawfulness and impartiality in detection, investigation and prevention of criminal offences committed by officials and employees of law enforcement agencies.

49. On 11 August 2011, amendments to the Law on the Procedures for Holding in Detention entered into force providing that a detained person has the right for at least an hour-long meeting with relatives or other persons at least once per month. Thus, the law determined the minimum duration for meetings, providing a possibility that a meeting may be longer than one hour. On 14 July 2015 further amendments to the above-mentioned law entered into force, stipulating that if the detained person is a judge, a person belonging to the judicial system, an employee, former employee of an investigation authority, penitentiary authority, public authority performing operative activities, municipal police or any other public authority involved in ensuring State and public safety, his or her spouse or relative of the first degree, he or she is to be placed separately from other detained persons. A detainee who has helped to detect a crime committed by another person and to whom a court in accordance with the procedure set in the Criminal Law has reduced the punishment provided for in the judgement, is to be placed separately from other detained persons, if he or she has requested that. The above amendments also stipulated that a detainee placed in

the Latvian Prison Hospital, following the doctor's indications is to be ensured with a possibility to communicate in the meeting place with relatives or other persons through a video call. Number and duration of such video calls is determined in accordance with the number and duration of meetings provided for in this law. Amendments to the Law On the Procedures for Holding in Detention that entered into force on 29 March 2016, in their turn provide that a detained foreigner has the right to meet not only with a defence counsel, but also with the representative of the diplomatic or consular mission, without restrictions and confidentially.

50. Latvia informs that in accordance with amendments to the Criminal Procedure Law of 25 May 2012, Article 243 stipulates the following security measures: notification of the change of the place of residence; reporting to the police authority at a specific time; prohibition from approaching a specific person or location; prohibition from a specific employment; prohibition from departing from the State; residence in a specific place; personal guarantee; bail; placement under police supervision; house arrest; detention.

51. As of 1 October 2005, investigating judge institute has been introduced within criminal proceedings; pursuant to Article 40 of the Criminal Procedure Law, the investigating judge controls the observance of human rights in criminal proceedings until the commencement of the adjudication phase. In accordance with amendments to Article 41 of the Criminal Procedure Law, in the cases provided for by law an investigating judge decides on the application of compulsory measures, decides the request of a suspect or an accused on the amending or revoking of the security measures that have been applied with a decision of the investigating judge; examines the complaints regarding the security measure applied; decides, in the cases provided for by law, on the performance of procedural actions; decides on complaints in relation to an unjustified violation during criminal proceedings of confidentiality that is protected by law; decides on the request of a person who has the right to defence on the exemption from payment for the assistance of an advocate. An investigating judge has the right to request additional information from the person directing the proceedings in criminal proceedings where special investigative actions are conducted or a security measure related to a deprivation of liberty is applied, as well as to determine deadlines for performance of special investigative actions; to apply a procedural sanction for failure to perform the duties or for failure to observe the procedures during pretrial criminal proceedings, and to propose that officials who are authorised to perform criminal proceedings are held liable for infringements of human rights that have occurred as a result of executing procedural authority.

52. Pursuant to the procedure set up in Article 337 of the Criminal Procedure Law, a person has a right to submit a complaint about violence used or bodily injuries caused to him or her; if, however, there are no ground for instituting criminal proceedings, the examination of such a complaint takes place pursuant to Article 342 of the Criminal Procedure Law. Pursuant to amendments to the Criminal Law of 13 December 2012, Article 317, paragraph 2 provides for criminal liability of State officials if the actions of the State official manifestly exceed the limits of the rights and authority granted to the official by law or according to his or her assigned duties, if substantial harm has been caused thereby to State authority, administrative order or interests of a person protected by law, if they are connected with violence or threat of violence or have been committed for purposes related to greed.

53. Latvia refers to paragraph 102 of the Common Core Document and notes that amendments made to legal acts of Latvia since 31 March 2014 provide effective protection of victims of violence through civil procedure.

54. In addition to the information in paragraph 102 of the Common Core Document, it should be noted that Article 121 of the Law on Police provides the right of police officers to adopt an immediately enforceable decision on the separation of a person for up to eight days from the day of adoption of the decision. When adopting a decision on the separation, police officials may at the same time also establish a prohibition for a person, who causes threat, to contact the person to be protected.

55. The Law on the Orphans' and Custody Courts is supplemented with Article 191 where, firstly, it is clarified in which cases the orphan's court may apply to a court in the

interests of a child with an application regarding temporary protection against violence. Secondly, a mechanism was introduced with these amendments for providing a support for a child when the direct victim of violence is, for example, his or her mother rather than the child him or herself. In the interests of a child a possibility is also introduced to isolate from the common household a person who has been violent, instead of removing the child from the family.

The right to participate in elections

56. Latvia refers to the information provided in paragraph 25 and subsequent paragraphs of the Common Core Document, and adds that the international human rights instruments, as well as international law in general leave the issue of determining the range of electors (electorate) in the exclusive competency of states. Latvia's position on this issue remains unchanged, namely, that the right to vote and to be elected remains as an integral part of the rights of citizens. There is no difference either in Latvia's laws or in practice among citizens due to the reasons prohibited by the Convention.

57. Latvia also takes all necessary steps to ensure that its integration and naturalisation policy is successful, to enable every politically active inhabitant of Latvia to acquire Latvian citizenship and effectively implement his or her rights.

58. State authorities actively involve representatives of NGO in the drafting and debating policy-planning documents and domestic legal acts (see paragraph 65 and subsequent paragraphs of the Common Core Document).

59. On 31 October 2013 amendments to the Law on the Elections to the European Parliament were adopted, and on 6 February 2014 amendments to the Law on the Elections to the Saeima were adopted, removing from these laws restrictions to participate in the elections to the European Parliament and the Saeima for persons who have been deprived of their legal capacity in accordance with the law.

The right to freedom of movement and residence within the border of the State, the right to leave any country, including one's own, and to return to one's country

60. On 29 January 2004, the Saeima adopted the Law on Stateless Persons, which defines the legal status of stateless persons in the Republic of Latvia, as well as their rights and obligations (see paragraph 201 of the Common Core Document). Latvia refers to paragraphs 213-215 of the Common Core Document, which provides information on the Immigration law currently in force that determines procedure of entry, stay, transit, detention, keeping in custody and expulsion from Latvia. Latvia also refers to paragraphs 207-211 of the Common Core Document, which provides information on the new Asylum Law, which entered into force on 19 January 2016, and on asylum policy in Latvia.

The right to marriage and choice of spouse, the right to inherit

61. Latvia refers to the information provided in the previous reports.

The right to own property

62. Latvia recalls that in accordance with Article 105 of the Constitution, everyone has the right to own property. Property may not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes is allowed only in exceptional cases, based on a specific law and in return for fair compensation.

The right to freedom of thought, conscience and religion

63. In accordance with Article 99 of the Constitution, everyone has the right to freedom of thought, conscience and religion. The church is separate from the State. The Law on Religious Organizations provides that the founders of a parish (congregation) must include no less than 20 Latvian citizens or persons who are registered in the Population Registry and who have reached the age of 18. The same person has the right to be a founder of one

parish only. Pursuant to the Law on Religious Organizations, any resident of Latvia has the right to join a parish and participate in their activities.

The right to freedom of opinion and expression

64. Article 100 of the Constitution stipulates that everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express his or her views. Censorship is prohibited. Regarding the relevant domestic law and practice of the domestic courts, Latvia refers to the information provided in paragraphs 24-34 and 37-38 of the present Report.

The right to freedom of peaceful assembly and association

65. Latvia notes that in accordance with Article 102 of the Constitution, everyone has the right to form and join associations, political parties and other public organisations. In accordance with Article 103 of the Constitution, the State protects the freedom of previously announced peaceful meetings, street processions, and pickets.

66. Latvia would like to note that on 26 April 2007 the Law on Meetings, Processions, and Pickets was amended. The amendments provide more detailed regulation for the procedure and deadlines for examining the applications for organizing of meetings, marches and piquet lines by the officials of the municipality (see paragraph 25 of the present Report), as well as establish the procedure of appeal before administrative court.

67. The amendments to the Law on Meetings, Processions, and Pickets that were adopted on 3 November 2005, provide that organizer of meetings, marches and piquet lines may not be persons who during the previous year have been administratively punished for violating the procedure of organizing or conducting meetings, marches and piquet lines or for minor hooliganism, or for maliciously disobeying lawful orders from police officials, or for violating the provisions on commencing or terminating activities of civil society organizations. These amendments have deleted the provision that prohibited the participants of meetings, marches and piquet lines to wear uniforms or similar clothes. By amendments adopted on 18 March 2004 a provision was introduced obliging the leader of a meeting, march or piquet line to ensure protection of rights of children in compliance with the Law on the Protection of the Children's Rights, if children are participating in the event.

68. On 10 November 2005, the Saeima adopted amendments to the Law on Strikes in order to bring it in compliance with Article 3 of the International Labour Organization's Convention No. 87 Freedom of Association and Protection of the Right to Organize. These amendments reduce the necessary quorum for voting on announcement of strike from three quarters to one half of the trade union members or employees of an enterprise who must be present at the meeting deciding on the matter, as well as shortens the time limit from 10 to 7 days, which must be observed by the strike committee before the beginning of the strike in order to inform the relevant institution about the beginning of the strike.

69. According to the Law on Associations and Foundations, associations and foundations may be registered by both citizens and non-citizens of Latvia. Pursuant to Article 23 of the law, natural and legal persons, as well as partnerships with legal capacity may be the founders of an association. Founder of sports organization can also be sports schools that do not have the status of legal personality. The minimum number of the founders of association is two. Article 26 of the said law provides that founders submit a registration application to the Registry of Enterprises to register the association (foundation). An application must contain a decision on the establishment of association, statutes, and a list of the members of the board of directors. The registration application is signed by all the founders or at least two authorised representatives. The Law on Associations and Foundations does not contain any restrictions for the foundation of national minority associations.

70. Pursuant to Article 6 of the Law on Associations and Foundations, the name of the association or foundation may not contradict legislative acts and morals, that is, it may not include names of military formations or names of such organizations or persons that have been recognized as criminal or anti-constitutional, it may not create positive attitude towards violence. In case the aim of the association or foundation as defined in its statute

contradicts the Constitution, laws or international treaties binding upon Latvia, a decision is taken to refuse to make a record in the registry of associations and foundations. Pursuant to Article 57 and 105 of the Law on Associations and Foundations, operation of an association or foundation is terminated by a court decision if the activity of the association or foundation contradicts the Constitution, laws or other legislative acts.

71. On 30 April 2013, the Department of Administrative Cases of the Senate of the Supreme Court adopted a judgment whereby it refused a registration of a movement supporting communism.[25] During the adjudication of the case, the court established that the purpose of the association was to promote the support for the ideas of communism. If it were registered, such activity of a non-governmental organization would be directly related to expression of ideology of communism and to uniting in an association of persons who support the ideology of communism. Thus, the name of the association and purpose of activity of the association specified in the articles of association indicated a clear link with popularisation of a criminal (communistic) ideology. That, in its turn, meant that the association could not be registered in the Register of Associations, based on provisions of Associations and Foundations Law.

The right to nationality

72. In addition to the information in paragraphs 202-206 of the Common Core Document, Latvia emphasizes that the naturalisation process in Latvia is simple and easily available to persons (see annex 3). The application for naturalisation can be submitted in any of 30 branches of the Office of Citizenship and Migration Affairs. For persons with low income, unemployed persons, retired persons as well as other persons belonging to socially disadvantaged categories the naturalisation fee has been reduced, while politically repressed persons and disabled persons, orphans and persons from social care institutions are entirely exempted from this fee. Each refusal for naturalisation can be appealed against before the court in accordance with the procedure prescribed by law.

73. The Office of Citizenship and Migration Affairs carries out active information campaigns on the possibilities and requirements for naturalisation, for example, by regularly organising informative days in Riga, Daugavpils, Liepaja and Ventspils, as well as other cities of Latvia as needed. Informative materials on the naturalisation procedure are published, and in cooperation with language teaching institutions and NGO within the framework of the projects of the European Fund for the Integration of third-country nationals and the Society Integration Foundation trainings for non-citizens are organized in order to prepare them for naturalisation examinations.

74. Interested persons may familiarise themselves with latest information about the naturalisation process and legal framework on the website of the Office of Citizenship and Migration Affairs at http://www.pmlp.gov.lv. In addition, information about the Information Days for applicants of Latvian citizenship is available on this website.[26] Extensive information on the test of the knowledge of the official language, and the test of knowledge of the basic principles of the Constitution of Latvia, the text of the national anthem, and the basics of the history and culture of Latvia is also available.[27]

75. During last years the knowledge of the Latvian language among representatives of minorities, in particular youth, has significantly increased. In accordance with the results of the study of 2014 "Sense of belonging to Latvia", more than 98% representatives of minorities were proficient in Latvian at a certain level. If in 1998 49% of young persons belonging to minorities assessed their knowledge of Latvian as good, then in 2014 already 77% of young persons belonging to minorities in the age group between 18 and 24 years assessed their knowledge of Latvian as excellent and good. In 2014 and 2015 the number of students belonging to minorities (76% and 79%), who have selected Latvian as the

[25] Judgement of the Department of Administrative Cases of the Senate of the Supreme Court of the Republic of Latvia of 30 April 2013 in the case No. A42945009, SKA-172/2013. Available on the website of the Supreme Court (in Latvian): www.at.gov.lv.

[26] Information is available on the website of the Office of Citizenship and Migration Affairs (in Latvian): *http://www.pmlp.gov.lv/lv/sakums/pakalpojumi/pilsonibas-naturalizacija/naturalizacijas-informativas-dienas.html*.

[27] Ibid. *http://www.pmlp.gov.lv/lv/sakums/pakalpojumi/pilsonibas-naturalizacija/parbaudes.html*.

language of examinations, has also increased (in comparison in 2010 and 2011 it was 60%). In accordance with the study of the Ministry of Culture "Participation of minorities in democratic processes in Latvia" (2015), the majority of respondent minorities have Russian as their native language — 84%. 7% indicated that they considered themselves as bilinguals, because their native language is both Latvian and Russian, 4% has other native language (neither Latvian, nor Russian), but 3% of respondents consider Latvian as their native language (3% failed to provide a reply to the question). When assessing their knowledge of Latvian language, 56% expressed an opinion that they know Latvian very well, but 26% — well. 26% of respondents assessed their knowledge of the Latvian language as average, and only 2% considered that they did not know Latvian (15% had basic knowledge of Latvian). Attitude towards the use of the Latvian language among minorities most often is neutral or positive. 36% gladly speak Latvian, 45% indicated that their attitude towards Latvian is neutral, if necessary, they speak Latvian, while 7% speak Latvian without a special enthusiasm, and there are 5% who speak Latvian unwillingly.

76. The Ministry of Education and Science in cooperation with the Latvian Language Agency developed new teaching aids for learning Latvian as the second language for schools of minorities for grades 1-9. On the website of the Latvian Language Agency www.valoda.lv, section "Teach and Learn Latvian!" contains more than 600 units of different scope. Number of users is increasing, namely, in 2014 the website was visited more than 110 thousand times (824 thousand page views), in 2015 — 161.5 thousand times (1 million page views), in 2016 — 174 204 times (1 105 794 page views). Special target audience for learning of Latvian are teachers of minority schools and teaching personnel working in the pre-school educational institutions. Since 2013 each year the Latvian Language Agency assists with the improvement of the knowledge of the Latvian language for performance of professional duties for at least 150 persons.

77. In 2012 the Society Integration Foundation resumed the implementation of the programme "Learning of Latvian for Adults", and in the 2012/2013 academic year training of Latvian for 1 625 persons were provided (funding from the State budget —231 217 euro). Significant contribution in the acquisition of knowledge and improvement of the official language is provided through the Latvian language courses organized by the State Employment Agency. Between 2010 and 2014 38 688 persons have learned the official language in these courses (funding from the State budget — 13 426 984 euro). In 2015 learning of the official language was provided for 3260, but in 2016 — for 2602 unemployed persons and job seekers, including those involved in the Youth guarantee[28] (actually used funding in 2015 — 1 900 803 euro, in 2016 — 1 313 043 euro). The Ministry of Education and Science and the Latvian Language Agency, in their turn, from the State budget ensure development of teaching aids and education of teachers, who work with adults.

78. One of the purposes of the amendments to the Citizenship Law of 2013 was to recognise the dual citizenship according to the political aims and interests of Latvia, and to preserve the totality of Latvian citizens in the circumstances of increased mobility. Article 9, paragraph 1 of the Citizenship Law exhaustively lists situations where the Latvian citizen retains the citizenship of Latvia. For example, a Latvian citizen who has acquired a citizenship of another Member State of the EU or the European Free Trade Association, citizenship of another Member State of the NATO, or has automatically acquired a citizenship of another state through marriage (acquired *ex lege*) or as a result of adoption, retains Latvian citizenship.

79. Foreigners, refugees and persons to whom the alternative status has been granted, are entitled to acquire Latvian citizenship in accordance with the procedure set by the Citizenship Law. When acquiring Latvian citizenship, the citizens of the countries where the dual citizenship is not permitted must relinquish their former citizenship, except persons to whom the status of a refugee has been granted in Latvia.

[28] Youth guarantee is an initiative with the purpose of helping young people to return to educational institution or integrate in the labour market, it is applicable to persons in the age group of 15 to 29 years (including), who do not study and do not work. Information is available on the website of the Ministry of Welfare on Latvian: *http://www.lm.gov.lv/text/2607*.

Other economic, social and cultural rights

The right to work

80. Article 106 of the Constitution stipulates that everyone has the right to freely choose their employment and workplace according to their abilities and qualifications. Forced labour is prohibited. Participation in the relief of disasters and their effects, and work pursuant to a court order is not considered as forced labour.

81. Article 7, paragraphs 1 and 2 of the Labour Law provide that everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration, and such rights must be ensured without any direct or indirect discrimination — irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

82. Article 29 of the Labour Law provides that difference in treatment based on the gender of an employee is prohibited when establishing employment relationship, as well as during the period of existence of employment relationship, in particular when promoting an employee, determining working conditions, work remuneration or occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract.

83. As concerns the use of state language in employment, Latvia would like to note that the Law on State Language does not apply to the use of language in unofficial communications of the inhabitants of Latvia, in internal communications of national and ethnic groups, or in services, ceremonies, rituals and other kinds of religious activity of religious organizations.

84. Article 6 of the Law on State Language determines that private institutions, organizations, undertakings (companies) and self-employed persons must use the State language, if their activities affect the lawful interests of the public (public security, health, morality, health care, protection of consumer rights and employment rights, safety in the work place and public administration supervision).The employees of private institutions, organizations and companies, as well as self-employed persons, who according to the normative acts carry out certain public functions, must know and use the State language to the extent necessary to perform the relevant functions.

85. Article 10 of the State Language Law provides that any institution, organization and company (undertaking) must accept from persons and examine documents, which are in the State language. Documents from persons in a foreign language are accepted if a translation into the State language, certified by a notary is attached thereto. This requirement does not apply to documents submitted to police and medical institutions, rescue services and other institutions in cases of urgent calls for medical aid, commission of crimes or other violations of law, or calls for emergency assistance in cases of fire, traffic accident or other emergencies.

The right to form and join trade unions

86. On 1 November 2014, Law on Trade Unions entered into force. The new law sets general rules for establishment and functioning of trade unions and their associations, as well as the principles the trade unions observes in their cooperation with employers, employers' organizations and their associations, State and local government authorities. The law was drafted in order to improve and modernise legal framework applicable to the work of the trade unions, as well as to ensure compliance with the provisions of international law.

87. The Law on Trade Unions defines the concept of a trade union, regulates the right to establish a trade union and join it. Article 4 of the Law stipulates that everyone has the right, freely and without any discrimination, to establish a trade union and, in compliance with the statute of the respective trade union, to join it, as well as the right not to join a trade union. Person's belonging to any trade union or a wish of a person to join or not to join it may not serve as a ground for restrictions of the rights of this person.

88. The Law on Trade Unions provides the right of trade unions to unite, stipulates their independence and equality, regulates criteria for the establishment of trade unions and their associations. The Law clearly determines the so-called negative freedom of trade unions, that is to say, that a person has the right also not to join a trade union and the right not to become as a member of a trade union if he or she does not wish to. The Law precisely determines the procedure for establishing a trade union, as well as separates trade unions of at the level of a company and trade unions, which are established outside of the company, for example, by an industry or profession. The minimum number of founders is determined with regard to each of them, namely, the number of founders of a trade union of a company may not be less than 15 or one fourth of employees of the company, if at least 4 people work in it. The number of founders of a trade union established outside of the company may not be less than 50.

The right to housing

89. Legal acts of Latvia and the support from the State protects social vulnerable groups of society against the risk of losing housing.

90. Since 2006, a State-guaranteed credit is available for young families with children for building or acquisition of housing. On 2014, the Cabinet of Ministers Regulation No. 443 Regulation On State Support For Acquisition or Building of Residential Premises entered into force, determining procedure according to which the State assists in the acquisition or building of a residential premise, ensuring that a guarantee is given for the return of a loan taken for acquisition or building of a residential premise. The guarantee is issued and administered by the State joint stock company "Development Finance Institution 'Altum'". Currently more than 4800 families with 6192 children are supported.

91. On 6 December 2001, the Law on Assistance in Solving Apartment Matters was adopted, determining which persons are entitled to receive assistance from local government in solving residential premise matters, as well as procedure according to which the assistance is provided in solving such matters. The Law provides for several types of assistance, for example, rent of residence owned or leased by the local government; renting a social apartment; providing with temporary residence; allocation of allowance to cover payment for residential tenancy and payment for services associated with usage of the residential space, repair, renovation of a residential space. The above-mentioned Law provides that support of the local government in solving apartment matter is available to all residents of the respective administrative territory who have been recognized as entitled for such assistance, regardless of ethnicity.[29]

92. On 5 July 2001 the Law on Residential Tenancy was supplemented with a chapter regarding assistance to low-income tenants and other categories of tenants specified by local government to whom assistance is provided, as well as determining obligations of local governments and Custody Courts for providing assistance. The Law provides that assistance shall be provided to retired persons, disabled persons, families with children who are to be recognized as low-income families in accordance with the level set by local government. In addition, a local government also has an obligation to ensure socially vulnerable groups with residential space (persons released from imprisonment, children from childcare centres and children's centres who have attained the age of majority). Local governments may also determine themselves the categories of residents to whom support will be provided. Amendments to the Law adopted in 2002 provide that when families with children, retired persons, disabled persons, who are to be recognized as low-income persons, are evicted from residential premises due to failure to pay lease or public utility payments in a timely manner, the respective local government within 3 months allocates to the tenants another residential premise suitable for living.

93. On 2 July 1997 the Law on Social Apartments and Social Residential Houses was adopted, determining the legal status of a social apartment and social residential house,

[29] Statistical reviews about the support from local governments in solving apartment matters are available on the website of the Ministry of Economics (in Latvian): *https://www.em.gov.lv/lv/nozares_politika/majokli.petijumi_statistika/*.

principles for their establishment and financing, the range of persons who are entitled to rent social apartments, as well as the procedure according to which local government provides social assistance, when renting social apartments.

The right to public health, medical care, social security and social services

94. The Law on the Rights of Patients of 17 December 2009 stipulates that in ensuring the rights of a patient difference in treatment depending on the race, ethnic origin, skin colour, gender, age, disability, health conditions, religion, political or other conviction, national or social origin, property or family conditions or other circumstances, is prohibited. Difference in treatment is acceptable only when it is objectively substantiated with a legitimate aim, and the means chosen for their achievement are proportional.

95. The right to receive State-paid medical treatment service is enjoyed by a person who has been granted one of statuses specified in Article 17 of the Medical Treatment Law: Latvian citizens; Latvian non-citizens; citizens of the Member States of the EU, of the European Economic Area and of the Swiss Confederation, who reside in Latvia in relation to employment or as self-employed persons, as well as their family members; third-country nationals who have a permanent residence permit in Latvia; refugees and persons, who have been granted alternative status; arrested and detained persons and those sentenced with deprivation of liberty. In addition, in accordance with the provisions of the Medical Treatment Law, the State-funded care for pregnant women care and free of charge childbirth assistance may be received by a spouse of the citizens and non-citizens of Latvia, who has a temporary residence permit in Latvia.

96. When receiving health care services, a person makes a patient's contribution in the amount set by the Cabinet of Ministers Regulation No. 1529 Heath Care Organization and Financing Arrangement, adopted in 2013. Patient contributions are collected by a medical treatment institution. When providing in-patient health care services, the medical treatment institution in addition to the patient's contribution may collect a co-payment in the amount not exceeding 31 euro for surgical manipulations performed in an operation room per in-patient case. Taking into account the fact that lengthy medical treatment may create a threat of poverty to the patient, the State has determined the limit ("ceiling") for patient's contributions, beyond which the patient's contribution is not paid. The total amount of patient's contribution per each in-patient event in one in-patient medical treatment institution may not exceed 355.72 euro. The total amount of patient's contribution for outpatient and inpatient health care services received in one calendar year may not exceed 569.15 euro.

97. In order to ensure that health care is available to all groups of inhabitants, in particular the vulnerable part of society, several categories of persons are exempted from patient's contribution, such as children; pregnant women and women in the postnatal period up to 42 days who receive health care services related to observation of pregnancy and postnatal period and course of pregnancy; politically repressed persons; persons with mental illness; disabled persons of the group I; poor persons; asylum seekers and other.

98. Emergency Medical Service ensures uniform State policy in providing emergency medical assistance and disaster medicine. Emergency medical assistance is provided by 190 teams in 102 locations. In 2015 the emergency medical service teams went on 440 970 calls, which is by 1.7% more than in 2014. The average time of arrival for high priority calls both, in urban and rural territories continue to decreased in 2015. Between 2012 and 2014 the proportion of calls responded to within a timely manner from all calls of high priority responded to slightly decreased; however in 2015 the proportion increased. In total, the average indicator of reach in percentage in rural territories continues to grow.

99. Patients with diagnoses included in the Cabinet of Ministers Regulation of 2006 On Procedures for the Reimbursement of Expenditures for the Acquisition of Medicinal Products and Medicinal Devices Intended for Out-patient Medical Treatment can obtain reimbursement of expenses for acquisition of medicinal products and medicinal devices included in the list of medicinal products for reimbursement in the amount of 100%, 75% or 50%, depending on the amount of reimbursement set for specific diagnosis. Expenses of acquisition are reimbursed fully (100%) for children up to the age of 18, as well as for

asylum seekers and persons who have been recognized as poor persons in accordance with the procedure provided by law, and who are entitled to medicinal products for reimbursement. When acquiring medicinal products or medicinal devices included in the list of medicinal products for reimbursement and for which the amount of reimbursement is set to 100%, the patient pays in a pharmacy 0.71 euro for each prescription. This payment is not applicable to children up to the age of 18, poor persons and asylum seekers, as well as with respect to prescriptions where the pharmacy price of the medicinal products or medicinal devices prescribed does not exceed EUR 4.27. Total amount of individual reimbursement of expenses for acquisition of medicinal products and medicinal devices may not exceed 14 228.72 euro for one patient for a period of 12 months. In 2015, the funding of 126.6 million euro, and in 2016 — 148.38 million euro was used from the budget for reimbursement system of acquisition of medicinal products.

100. In order to improve the quality and availability of health care services for inhabitants of Latvia, the reforms commenced in previous years are continued, including development of the quality assurance system, health care funding management, development of the integrated health management and information systems and gradual investments into the health care infrastructure and human resources.

101. The medium-term development planning document "Public Health Policy Guidelines 2014-2020",[30] approved by the Ministry of Health, includes indicators to be achieved by the health industry and reforms to be implemented for this purpose. The main goal of the guidelines is to increase the number of years healthy lived by Latvian inhabitants and to prevent premature death, by maintaining, improving and renewing health of inhabitants. In accordance with the guidelines, studies conducted and analysis of trends of morbidity, the priority health care areas to be developed are as follows: cardiovascular health; oncology; maternal and child health; mental health.

102. In November 2014 a project "Development of the System for Providing Guidelines on Health Network Development and Quality Assurance and Implementation within the framework of Priority Areas", co-funded by the European Social Fund, was commenced. The purpose of the project is to ensure drafting and implementation of guidelines on the development of health networks for priority health areas, in particular, for improvement of health of inhabitants subject to the risk of social exclusion and poverty.

103. The Latvian social security system consists of social insurance based on contributions, universal State social benefits and social support benefits and social services paid by local governments based on assessment of income and property. Social insurance contributions are made in order to protect inhabitants against temporary loss of income (sickness, maternity, paternity, child care), as well as in order to provide means of support to persons upon the end of active work life (retirement), acquiring disability, loosing work, suffering in an accident at work etc. Universal State social benefits are paid from the State budget in the case of various social risks — family, childbirth, disability etc.

104. Families or persons whose financial means are insufficient for ensuring daily needs and whose income is below the level of a poor person set by the state (128.06 euro per one person in a household) or the level of income of a low-income person set by local government, can request assistance from the local government. In 2008, 14.8% from the number of persons residing in private households of Latvia received social assistance benefits from local governments; during the crisis period in 2010 it was 15.1%, but subsequently the proportion decreased, and in 2015 it was 9.5%.

105. The rights of persons permanently residing in the Republic of Latvia to receive social service and local government social assistance benefits are regulated by the Law on Social Services and Social Assistance effective since 2003. In accordance with this Law, the right to receive social services and social assistance funded from the State or local government budget is granted to Latvian citizens and non-citizens who permanently reside in the Republic of Latvia, citizens of the Member States of the EU, EEA countries and

[30] Approved with the Order of the Cabinet of Ministers No. 589 of 14 October 2014. It is a medium-term development-planning document, based on the European Region strategy "Health 2010" of the World Health Organisation.

Swiss Confederation, who have acquired the right of permanent residence in Latvia, and to foreigners who have been granted a permanent residence permit, regardless of ethnicity, race or religion of such persons. When exercising the right to receive social assistance, social care, social or professional rehabilitation or social work services, a person need not specify in the request his or her ethnicity, religion and family status. Therefore, no statistics at the national level on the recipients of the above-mentioned social services or social assistance is collected from the perspective of ethnicities, religious belief or family status.

106. In 2016 amendments to the Law on Social Services and Social Assistance entered into force, expanding the scope of the State and local government-funded social care, social rehabilitation services and local government social assistance benefits that can be received by a person to whom an alternative protection status (that is, a temporary residence permit is issued in accordance with the legal acts in force) has been granted in Latvia (see paragraph 212 of the Common Core Document).

The right to education

107. The education reform means continuance of those educational projects that were started in the mid-nineties by introducing a special type of the general education curricula — national minority curricula (as provided in Article 41 of the Education Law). It is important to note that education reform concerns only the State and municipal educational institutions. Private educational institutions must observe the requirement of accreditation and inclusion of the Latvian language in its educational program. Moreover, if a private educational institution is accredited, it may apply and receive state budget subsidies.

108. On 5 February 2004 Education Law was amended with a requirement — starting with the 2004/2005 school year at State and local government general secondary education facilities implement national minority curricula and starting with Grade 10, education in the State language is ensured in not less than three fifths (in other words — 60%) of the total lesson load during the school year. In the judgment of 13 May 2005, in the case No. 2004-18-0106 [31] the Constitutional Court of Latvia confirmed that the distribution of the languages of instruction implemented in the framework of the education reform complies with the Constitution and the requirements of international agreements. The Constitutional Court decided that the provision of the *Education Law* stipulating that in the State and local government general secondary education institutions which implement the national minority education programmes, starting with Grade 10 the studies take place in the official language in accordance with the State standard of the general secondary education; and that in the State and local government educational institutions, professional secondary and vocational education programmes, which a student commences after the acquisition of the secondary education, are implemented in the official language, complies with the Constitution.

109. Pursuant to amendments to the 5 December 2000 Regulation No. 463 *Regulation on the State General Secondary Education Standard* adopted on 13 May 2003, as of 2007 the language of State examinations in secondary schools is Latvian. When passing State examinations in 12th grade, pupils are allowed to reply in Latvian or in Russian. In 2007, for the first time pupils of national minority educational facilities, who from 10th grade acquired 60% of the educational content in the state language, passed State examinations. Altogether 32,806 pupils passed 11 centralized secondary education examinations; one fifth of the pupils were those acquiring national minority education programs. The average level of achievements during Latvian language and literature examination in national minorities educational programs have been attained by 52.8% of the pupils. The State general secondary education standard, the State vocational education standard and the State professional secondary education standard stipulates that the professional secondary education and vocational education programmes, which a student commences after acquisition of the secondary education, are implemented ensuring teaching of the content in the official language for at least three fifths of the total volume of the programme

[31] Judgement of the Constitutional Court of 13 May 2005 in the case No. 2004-18-0106. Available here (in Latvian): *http://www.satv.tiesa.gov.lv/cases/*.

110. One of the main objections from the public to the quality of national minority education is linked to the assumptions about students' insufficient proficiency of the State language. Undoubtedly, the level of proficiency of the State language in the national minority educational programs is an important requirement in order to successfully acquire education content and pass State examinations. The average level of achievements in Latvian language and literature examination in national minority educational programs demonstrates that between 2004 and 2007 the level of achievements has increased from 51% to 56%. Similar trend is shown by the results in the 2006 Latvian language examination in 9th grade of the national minority schools. Most of those taking the exams attained C level (40%) and D level (33%), which confirms good basic language knowledge and skills. Only 116 (1.36%) elementary school students obtained F, or the lowest level. Altogether, 8,560 students[32] took the examinations at national minority schools.

111. Positive outcome of the education reform was facilitated by bilingual education support centres that were operating in Latvia and which were financially supported by municipalities. The centres supervised the process and encourage sharing of positive experience. In seminars, teachers of bilingual education discussed problems and invited experienced practitioners and education specialists from Latvian universities and other educational facilities to encourage fruitful discussions.

112. In 2005, Ministry of Education and Science took part in organizing and holding 6 regional seminars and 2 conferences (about bilingual education issues and language policy in Latvia and abroad). During 2006/2007 school year Ministry of Education and Science organized 4 round table discussions, during which students, pedagogues, parents, representatives of NGOs and teaching staff of educational institutions were acquainted with the planned legislative amendments. During the council session, a meeting was held with school directors and heads of regional bilingual education support centres to discuss the bilingual education process, and facilitate exchange of positive experience.

113. In 2009, changes were introduced in the institutional system of the education. Namely, on 1 July 2009, as a result of the reorganisation the National Centre for Education was established, which is an institution subordinated to the Minister of Education and Science and whose key functions are to ensure development of the teaching content and to supervise its implementation, to ensure development of the content of the State examinations, coordinate development of the training literature, coordinate and implement professional qualification increase of teachers.

114. Similarly, as a result of reorganisation, the State Education Quality Service was established on 1 July 2009. The purpose of the work of this Service is to ensure high quality and lawful education, by promoting education quality monitoring and providing support

[32] A — uses the language fluently and correctly in any situation of communication. Perceives and understands any authentic speech. Reads and understands texts of various styles and genres. Forms logical and well-planned text correspondent to the given situation. Is able to express and argument his/her views verbally and in writing. B — Uses the language correctly in various situations of communication. Perceives and understands authentic speech expressed at a normal pace. Reads and understands texts of different kinds. Is able to form a planned text correspondent to the given situation. Is able to express and argument his/her views verbally and in writing. C — Uses the language in every-day and study situations correctly and correspondent to the given situation. Perceives and understands clear and correct speech. Reads and understands informative texts of different subjects. Is able to form understandable text. Is able to express his/her thoughts and views verbally and in writing. D — Uses the language in every-day and study situations for the most part correctly. Perceives and understands speech related to every-day experiences. Reads and understands simple informative texts. Is able to form simple text on every-day subjects. Is able to express his/her thoughts verbally and in writing. E — Restricted use of language in every-day and study situations. Perceives and understands simple speech related to every-day experiences. Reads simple text and is able to obtain necessary information from it. Is able to form simple text on every-day subjects. Speaks and writes information necessary in day-to-day situations. F — Primitive use of language and vocabulary. Perceives and understands words and phrases related to every-day experiences. Is able to recognize and read familiar words and phrases in texts. Is able to write only using familiar phrases and sentences. Is able to use basic phrases and simple sentences in speech and in writing.

during implementation of the educational process. One of the duties of the Service is also to follow the quality of implementation of the national minority education programmes.

115. In addition, the Latvian Language Agency is operating since 1 July 2009. The aim of the Agency is to enhance the status and promote sustainable development of the Latvian language — the official language of the Republic of Latvia and an official language of the EU.

116. In accordance with the Cabinet of Ministers Regulations of 2013 and 2014 regarding the standards and programmes of the State basic education and general secondary education, the topics of tolerance, respect towards different, cross-culture education are integrated in the content of several subjects of the basic education and content of subjects of the general secondary education.

117. Educational reform is applicable to the State, local government and private educational institutions. Educational institutions must comply with the requirements provided for in legal acts regarding registration of educational institutions, licensing of educational programmes, accreditation of educational institutions and educational programmes and licensing of educational programmes. Legal acts determine samples for the basic national minority education programmes (when licensing the educational programme, a school must select the relevant sample of the programme), which stipulate how many hours are dedicated for teaching the minority language and foreign languages. The educational institution may select one of five models for the plan of subjects and classes. These models provide for different proportions for teaching of subjects: in Latvian, in the language of minority and bilingually. However, schools must ensure that in Grade 7-9 teaching of subjects is in the language of minority or Latvian and in the language of minority of not more than 40% from the total load of classes. In its turn, the Cabinet of Ministers Regulation of 21 May 2013 *Regarding the State General Secondary Education Standard* stipulates that each school year not less than five subjects are to be taught in the Latvian language in the national minority education programmes (this number does not include the Latvian language and literature), and the acquisition of educational content in the minority language may be ensured for up to two fifths of the total study load in a school year. Educational institution may also implement the educational programme developed by it, following appropriate State licensing.

118. Minority education is a part of the Latvian educational system, implementing the uniform content of basic education and general secondary education in all general and professional educational programmes. In order to promote the learning of the Latvian language and the competitiveness of young people on the labour market, in the 2009/2010 academic year the common basic requirements and mandatory content for the subject "the Latvian language" was implemented in both, the educational institutions with Latvian as the language of instruction and the educational institutions, implementing the national minority education programmes, during the stage of the general secondary education. The purpose of the subject is to improve the skill of the student to competently use Latvian literal language for communication, lifelong education and cross-culture dialogue. Since the 2011/2012 academic year all students who acquire the general secondary education, pass the uniform centralized examination in Latvian. In the centralized examination knowledge of the Latvian language and basic skills of students are tested. The average level of achievements of students in the centralized examination in Latvian for basic education between 2012 and 2016 is above 60%, which means that minority students have good knowledge and skills in Latvian.

119. In the 2016/2017 academic year 763 general education day schools implemented the general education programmes, and 161 out of them provided the teaching content bilingually (the national minority education programmes), including 94 schools providing the educational programmes in Russian, 4 schools — in Polish, 1 school — in Ukrainian, 1 school — in Belarusian, and 57 educational institutions implement both, Latvian and the national minority education programmes, while the private educational institutions implement the general education programmes in English (2 schools), French (1 school), and German (1 school). There are 27 evening, correspondence education and distance learning educational institutions in Latvia, 12 out of them implement both, the Latvian and the national minority education programmes. There are 60 248 students studying in the national

minority education programmes in the 2016/2017 academic year, reaching 28.03% from the total number of students. In the 2015/2016 academic year 53 private schools operated in the Latvian general education system, out of them 9 are primary schools, 13 basic schools, 26 secondary schools and 5 evening and distance learning schools. In the 2015/2016 academic year, 5671 students acquired the general education programmes in private schools, including 1365 in Russian, 511 — in English and 75 — in French.

120. Support to the minority schools are provided by Poland, Lithuania, Estonia, Ukraine, Belarus and Israel, assisting with teaching aids, organization of the student summer camps, the participation of guest teachers and renovation of school buildings. For example, in cooperation with the Embassy of the Republic of Poland the Ministry of Education and Science provides support for the work of Polish guest teachers in the general education institutions in Latvia, giving an opportunity for students to learn Polish language, literature and history. In the 2012/2013 academic year, there were 12 guest teachers; in the 2013/2014 academic year — 8; in the 2014/2015 academic year — 9; in the 2015/2016 academic year — 8 and in the 2016/2017 academic year — 11 guest teachers who participated in the cooperation programmes.

121. The State regularly implements the professional competency improvement programmes for teachers about the bilingual education, as well as integrated learning of content and language. Between 2012 and 2016, 8084 teachers in total have participated in the programmes of professional competency improvement of teachers offered by the Latvian Language Agency. In 2014, the National Centre for Education organized workshops and conferences for teachers of minority schools regarding the possibilities for development of reading skills during language classes across all education degrees; approximately 420 teachers participated in these events.

122. In accordance with the "Plan for Implementation of the Education Development Guidelines 2014-2020 for 2015-2017"[33] steps were taken to gather data on the quality of the education of Roma students during the 2016/2017 academic year, ensuring the information on the number of Roma students who acquire basic education and general secondary education, on the range of support measures provided by educational institutions for Roma students in acquiring education. In comparison with the monitoring of study achievements of Roma students in the 2013/2014 academic year, in the 2016/2017 academic year the number of general educational institutions where Roma students are studying, has increased (20% from the total number of educational institutions), compared to the conclusions in 2013/2014 academic year (16% from the total number of educational institutions). In the 2016/2017 academic year 900 Roma students (0.4% from the total number of students) study in 144 general educational institutions (20% from the total number of educational institutions), but in the 2013/2014 academic year there were 1 032 Roma students. The number of Roma students ceasing education is 15.9%, mostly in the Grades 7 to 9. In the 2016/2017 academic year, 21.5% from the total number of Roma students were provided with additional teaching measures (26.4% — in the 2013/2014 academic year). In the 2016/2017 the number of students who failed to acquire the mandatory basic education, significantly decreased. The number of assistants to teachers of Roma nationality, who work in the general educational institutions, has significantly increased, namely, 20 assistants to teachers of Roma nationality work in the general educational institution in the 2016/2017 academic year (in the 2013/2014 academic year-4).

123. The Ministry of Education and Science ensures education to minor children of asylum seekers and determines the educational institutions, where minor asylum seekers can study. Underage child of an asylum seeker and underage asylum seeker has the right to basic education and secondary education, as well as the right to continue the commenced education after attaining the age of majority. In accordance with the *Education Law*, underage third-country national or stateless persons who does not have a legal ground to remain in the Republic of Latvia, has the right to acquire basic education during the time set for voluntary departure, or during the time for which the expulsion is suspended, as well as during his or her detention (see in addition paragraph 209 of the Common Core Document).

[33] Approved with the Order of the Cabinet of Ministers No. 331 of 29 June 2015.

124. In accordance with the Asylum Law, adopted on 16 January 2016, and the Cabinet of Ministers Regulation No. 488 Procedure According to Which a Possibility of Acquisition of Education for a Minor Asylum Seeker is Provided, issued on the basis of the above Law, underage asylum seeker is provided with a possibility not only to acquire the basic education and general education, but also to prepare for acquisition of the basic education from the age of 5.

125. The support system for asylum seekers consists of measures that are taken in the course of implementation of "An action plan for transfer and reception in Latvia of persons in need of international protection".[34] Firstly, the education of underage asylum seekers is provided in the educational institutions implementing the educational programme in Latvian. In the 2015/2016 academic year education was provided to 38 underage asylum seekers in Latvia, and in the 2016/2017 academic year — to 31. Secondly, in 2016 the Latvian Language Agency has developed teaching and methodological materials for providing social-economical inclusion in the educational institution. Thirdly, the Latvian Language Agency provides systematic improvement of the professional competency of teachers (343 teachers were educated in 2015 and 2016). Furthermore, the Latvian Language Agency implements the project of the Asylum, Migration and Integration Fund "Initial Learning of Language for Asylum Seekers" in 2016-2017 with the funding in the amount of 251 230 euro (a course of 120 hours is envisaged; planned number of persons to be educated is 531, and by the end of 2016, 182 persons — both, adults and children — have been educated).

126. In order to ensure successful inclusion of the children of asylum seekers in the Latvian educational system, teaching and methodological materials have been developed, including teaching programmes, handbooks for teachers, teaching games and other freely available teaching resources.[35]

127. In improving the support system of learning of Latvian for asylum seekers, the Ministry of Welfare has also increased the number of study hours for the courses from 100 classes to 120 hours for each sub-level A1 and A2. The Latvian Language Agency offers to persons who have acquired the refugee or alternative protection status and are starting to enter the labour market, a possibility to simultaneously improve their language skills, in order to facilitate the inclusion of third-country nationals into the labour market.

128. In accordance with the provisions of the Education Law, all places of deprivation of liberty where underage inmates are placed provide the possibilities to acquire general education. Minors in the places of deprivation of liberty have a possibility to participate in both, the basic education as well as secondary education programmes. In comparison with the previous years, the possibilities for the underage inmates to acquire the secondary education have improved. In the 2015/2016 academic year 479 persons in the places of deprivation of liberty acquired general basic and general secondary education, while in the 2016/2017 academic year — 521 persons (see statistical data in Annex 4).

The right to equal participation in cultural activities

129. On 19 March 1991, the Law on Unrestricted Development and Right of National and Ethic Groups of Latvia to Cultural Autonomy was adopted in order to guarantee the right of all national and ethnic groups in Latvia to cultural autonomy and cultural self-government. In more than 20 years, the legal system of Latvia has developed and improved, therefore the majority of the provisions of the Law currently overlap with the provisions of other legal acts.

130. For several years, the Ministry of Culture has been providing financial support to I. Kozakevica Association of Latvian National Cultural Societies, at the same time delegating to it a duty to ensure the maintenance and development of minority culture and to facilitate cross-cultural dialogue, by implementing events of minority organisations. The above-

[34] Approved with the Order of the Cabinet Ministers No. 759 of 2 December 2015, Minutes No. 57, paragraph 58.

[35] Available on the website of the Latvian Language Agency (in Latvian): *http://www.valoda.lv*; (in English) *http://www.valoda.lv/en/*.

mentioned association was established in 1988 and united more than 30 (in March 2017 — 26) cultural societies and associations of various ethnicities residing in Latvia.

131. Activity of the Association of Latvian National Cultural Societies is aimed towards assisting representatives of minorities to recognize more completely their ethnical links, to explore their culture and language as well as religious traditions. Upon receiving support from the Ministry of Culture, it ensures a course of events for maintenance and development of minority culture, as well as facilitates cross-cultural dialogue and integration of representatives of minorities in local society, by organising concerts, performances, festivals and other events of minority organisations, ensuring their regularity, diversity and availability to several target groups of the society. Since 2003, each year at the end of November and in the beginning of December the association organises a large-scale minority art festival "United in diversity".

132. The Association of Latvian National Cultural Unions coordinates monthly programmes (around 10 programmes of half an hour per month) in minority languages (including Polish, Estonian, Lithuanian, Georgian, Ukrainian, German, Belarusian, Tatar and Armenian) on the Latvian Radio 4. During the programmes, the audience is introduced with the news, plans, traditions, national holidays, persons and certain events of various national cultural unions. The total audience of the Latvian Radio 4 is on average 120 000-130 000 listeners per week.

133. The Latvian digital culture map,[36] created by the Ministry of Culture, was conceptually developed in 2005 and started to operate in 2006, and is a public data base containing detailed information on the variety of cultural processes and cultural institutions of Latvia, their coverage, availability of culture to public as well as material and technical condition of the cultural infrastructure and possible trends of development. Culture map provides information also on the minority NGO.

134. Since 2012, with support of the Ministry of Culture and under the auspices of the Latvian National Cultural Centre the training programme "Cultural ambassadors" is implemented, which is based on the international programmes Intercultural Navigators and Active Citizens. In the framework of the programme, the ambassadors of the Latvian culture space are trained for cooperation with communities of various ethnicities of Latvia regarding the Latvian culture and its interaction with cultures of Latvian minorities. Participants of the training improve their knowledge on cultural diversity, identity and unity of society, which serves as a ground for foundation and development of various partnerships (Latvians — representatives of minorities). After completion of the training programme, the ambassadors of culture organize trainings for representatives of the local communities and NGO. In 2015, the programme for youth — "Young ambassadors of culture" — was implemented with the participation of 20 young people who are already actively participating in the youth steering committee established for the Latvian national centenary by the Ministry of Culture, preparing for celebration of the Latvian national centenary.

135. In 2013, preparation for participation of the groups of minorities in the movement of the Song and Dance Festival took place. 96 artistic groups of minorities participated in the Nationwide Latvian Song and XV Dance Festival in 2013, which is a significantly bigger number than in the Nationwide Song and Dance Festival organised in 2008.

136. **XXV Nationwide Latvian Song and XV Dance Festival took place in Riga between 30 June and 7 July 2013, gathering a large number of groups of Latvian communities living abroad and groups of minorities. 40 600 participants, more than 1 500 groups, including 96 groups of minorities (53 groups in 2008), 47 groups of Latvian diaspora and 32 foreign groups participated in the festival. During the festival, several** *events of* minority groups *took place*, such as a day of minorities "Light source" and concert performance of groups of minorities "Under one sky" were organized.

137. After active participation of the groups of minorities in the Nationwide Latvian Song and XV Dance Festival of 2013 the question on the meaning of exchange of culture for

[36] Latvian digital culture map, available here (in Latvian): *http://www.kulturaskarte.lv/*.

uniting of multi-ethnic society of Latvia has become topical. Since 2014, the Latvian National Cultural Centre organises Minorities creative camps, educating heads of the Latvian minority groups to increase their capacity and artistic performance in the preparation for the regular Nationwide Latvian Song and Dance Festive in the context of the centenary of Latvia. The programme of camps includes lectures on the aspects of Latvian and minority culture, the common and the different; workshops and exhibitions are organized with a possibility to acquire the art of stage and the Latvian national traditions in a creative and democratic manner.

138. Since 2014, the project for students of minorities "Footprints of Europe in Latvia" is implemented, the purpose of which is to facilitated mutual cooperation between children and youth (in particular minorities) in a creative, modern and interactive way, examining the current contribution of the EU Member States to the cultural space of Latvia. Thus in 2015 the project gathered more than 22 school teams (in 2014 — 5). In 2016 in the framework of the project regional forums were organized with the participation of several hundreds of students.

139. Since 2014, celebrating on 16 November the International Day of Tolerance, the Ministry of Culture gathers representatives of minorities, NGO, public authorities, experts and interested persons in an annual forum for minorities. Each year the forum gathers around 200 participants, and within its framework the co-operation among minorities, in particular representatives of minority NGO, and their information about the current events and significant public processes is promoted. In working groups experts, representatives of minorities and public authorities and other interested persons discuss various questions and look for solutions for issues important for the communities of minorities in Latvia (such as minority education, preservation of culture, providing activities of NGO etc.).

140. Minority NGO have the same rights as all Latvia's NGO to participate in competitions for specific grants of financial instruments and to receive assistance for strengthening principal activities, culture or administrative capacity. Since 2014, NGO support programme of the Ministry of Culture is implemented in all regions of Latvia in the form of the NGO project competition, within the framework of which those organisations who implement project on promotion of civil society and support of minority NGO, may receive certain funding. In the framework of the programme separate funding is provided specifically for the organisations of ethnic minorities.

141. From 1 to 3 July 2016 the first Latvian (minority) culture festival took place in Daugavpils and all Latgale region. The festival is an initiative of the Consultative Committee of Minority NGO at the Ministry of Culture (see paragraph 73 of the Common Core Document) and its aim is to promote, develop and improve the heritage of traditional culture of minorities residing in Latvia, to encourage the representatives of minorities to understand the meaning of their culture in the cultural environment of Latvia, as well as to promote public participations in studying, practice and forwarding of the intangible cultural inheritance. In total more than 1 300 people participated in the festival, out of whom more than 600 were the representatives of minorities; the festival comprised more than 50 various cultural events, including concerts, master classes, procession of participants of the festival, youth forum and other activities.

142. In promoting the contribution of minority culture to the cultural space of Latvia, in 2016 the Ministry of Culture issued an informative material "Minorities in Latvia". The informative material for public is available in Latvian, English and Russian.

143. Mikhail Chekhov Riga Russian Theatre, which was opened on 2 October 1883 and offers repertory in Russian, is the oldest Russian theatre outside Russia. In Daugavpils Theatre and Puppet theatre, Latvian and Russian troupe of actors is working simultaneously, and the New Riga Theatre includes in its repertory performances in Russian.

144. Currently 65% of web pages of Latvian museums are available in Russian. Majority of museums offer also guide services in Russian. The Latvian National Symphony Orchestra offers a concert programme in Latvian and Russian.

The right of access to any place intended for use by the general public (transport, cultural events, restaurants, hotels etc.)

145. Latvia would like to emphasize that there are no legislative restrictions in Latvia to access public places, although there have been separate attempts to set such restrictions in practice. Between 2003 and 2007, the Ombudsperson's Office received one complaint concerning the refusal to assist Roma family in a shop, one complaint concerning removing a Roma family from a cafeteria, as well as one complaint that a Roma woman was refused purchase on loan. The complaints were fully or partly well-founded. Also, several complaints about access to goods and services based on language (annotations in several medicines were not provided in the Russian language, which may put in danger patient's health or life, as well as complaints that annotations, public information, events or TV broadcasts do not use Latvian language) have been received. Various complaints are examined based on provisions contained in the *State Language Law* or, when necessary, transmitted to the State Language Centre.

VI. Article 6 of the Convention

146. Latvia refers to the information provided in Chapter III of the Common Core Document regarding available legal remedies. In addition, it should be emphasized that if a State or local government institution, by a de facto action or with an administrative act has breached the principle of equality on any of the prohibited discrimination grounds, a victim of discrimination can, in accordance with the *Administrative Procedure Law*, challenge the *de facto* action or the administrative act before a higher institution, and subsequently can apply to the administrative court. The application can be submitted to the State or local government institution within one month (if it is indicated in the administrative act) or one year (if the term is not specified or if the *de facto* action is being disputed).

147. Chapters II and III of the Common Core Document include information regarding the contribution made by the Ombudsperson's Office in the elimination of discrimination. In addition, it should be indicated that the Ombudsperson conducts independent studies on the issues of discrimination, examines possible solutions to promote the elimination of discrimination, publishes reports, participates in projects dedicated for prevention of discrimination as well as informs public on the right not be discriminated.

148. In accordance with the provisions of the *Labour Law*, if a person has faced a discriminating situation in the employment legal relationship, regardless of the prohibited grounds of different treatment, an employee can request the employer to cease the difference in treatment and, in addition to other rights stipulated by the *Labour Law*, can claim from the employer a compensation for pecuniary and non-pecuniary damage. In the case of a dispute, the amount of compensation for non-pecuniary damage is determined by a court at its discretion.

149. Furthermore, an employee is entitled to submit a complaint regarding the action of the employer to the State Labour Inspectorate, which is a State administration authority under the supervision of *the Ministry of Welfare* and whose duty is the effective supervision and control of the field of the employment relationship and labour safety. The State Labour Inspectorate, when implementing the national policy in relation to promotion of equal possibilities and equal attitude in the area of employment relations, takes measures to ensure compliance with the laws governing employment; it can also impose an administrative fine. Between 2008 and 2016, the State Labour Inspectorate has received applications where in addition to violations of legal relations the breaches of the prohibition of discrimination on various grounds were also mentioned (see Annex 21).

150. In 2014, during preventive inspections, the State Labour Inspectorate found violations of equal treatment and brought 17 legal persons to the administrative liability. In 2015, in 16 cases the issues of unequal attitude and discrimination in employment legal relationship were assessed, but no violations of laws were established. During 91 preventive inspections in companies in 2016, officials of the State Labour Inspectorate did not find any violations of laws regarding prohibition of different treatment and discrimination in the employment relations.

151. The violations most often found with respect to the employers related to placement of information of a discriminatory content in work advertisements, for example, discrimination based on age, gender, if the wording of the announcement specified the range of particular age or representative of the particular gender, thus discriminating the representatives of the opposite gender and different age. Quite often in the advertisements an employer requests that a photo is attached, thus indirectly discriminating persons based on their appearance. For example, in several cases an administrative fine was imposed to the employer for direct discrimination based on gender when giving a notice to the employee about the termination of a labour contract.

152. Employers were also brought to administrative liability for requesting from the employee information related to the family and property status before establishment of employment relation; for violation of the principle of equality in giving different payment for the same position and the same working hours; for failure to comply with the principle of equality in determining a payment and social guarantees to employees of the company; as well as for requiring that the employee should be graduate of specific educational institution for him/her to be able to apply for the specific position.

153. A person may submit a claim against the employer before the courts of general jurisdiction and to seek compensation for pecuniary and non-pecuniary damage. With regard to the burden of proof in labour disputes, it should be noted that if the claim is brought on the basis of Article 29 of the *Labour Law* (direct or indirect discrimination), an employee must at first describe the factual circumstances of the discrimination in order to shift the burden to the employer. Namely, in case of disagreement an employee does not have an obligation to prove the existence of different treatment, but just to describe the initial facts, which might reveal such treatment. Then it is the duty of the employer to prove that there has been no difference in treatment. In other words, the employer must prove that the difference in treatment is based on objective circumstances, which are not related to the prohibited grounds if discrimination, or that the prohibited ground is an objective and reasonable pre-condition for performance of the particular work. An employee as a plaintiff is exempted from payment of the State fee.

154. For example, in the judgement of 20 November 2013 the Riga City *Ziemeļu* District Court ruled that the employer — a legal person, when dismissing a person from work, has directly discriminated the plaintiff on the ground of gender, declared the notice on the termination of the labour contract void, and decided to recover from the employer the compensation for non-pecuniary damage in the amount of 6618 euro.[17]

155. A person has the right to apply to the Centre for the Protection of Consumer Rights with a request to impose a fine on the authors and distributors of an advertisement. Article 166[13] of the *Code of Administrative Offence* provides liability for "violation of the specific procedures in the provision or distribution of an advertisement, as well as for provision or distribution of a prohibited advertisement". If the advertisement is heard over radio or seen on TV, a person may submit a complaint to the National Radio and Television Council, which has the right to punish violators.

VII. Article 7 of the Convention

156. Latvia would like to refer to the information provided in Chapters II and III of the Common Core Document regarding the education and information of the public.

157. With regard to the issue related to tolerance, prohibition of discrimination, inclusion of diversity of ethnical cultures in the content of subjects of the basic education and general secondary education, Latvia refers to paragraphs 165-166 of the Common Core Document.

158. On 1 January 2017, in total 73 965 third-country nationals were registered in Latvia, out of which temporary residence permits were issued to 26 262 persons, and permanent residence permits were issued to 47 703. Main countries of origin: Russia (75%), Ukraine

[17] Judgement of the Riga City *Ziemeļu* District Court of 20 November 2013 in the case No. C31404213. Available here (in Latvian): *https://manas.tiesas.lv/eTiesasMvc/lv/nolemumi*.

(9%), Belarus (8%), Uzbekistan (2%), China (2%), other countries (8%). Key reasons for arrival — work, studies, marriage and investments in the real estate or local companies.[38]

159. In the research conducted by the Society Integration Foundation in 2015 more than half (56.9%) of third-country nationals questioned responded that they had not faced unfair or abusive attitude. Among the respondents (43.1%), who had experienced discriminating attitude at least in one situation, 3 situations mentioned most often include, firstly, on the street, in public transportation (21.5%), during contacts with public authorities or during contacting with representatives of the public authorities (OCMA, border guard, police) (18%) and in health care institutions (12.4%). Third-country nationals with temporary residence permit have experienced discriminatory situations with public authorities more often than the respondents with the permanent residence permit (15.5% and 9.9% accordingly). Due to the legal status, approximately one fourth of all participants of the survey (25.9%) have faced unfair or offensive attitude. 17.3% of respondents have faced such attitude due to their ethnicity or religion. The situation has improved in comparison with 2009, because in the survey of 2009 42.3% of the respondents — third-country nationals had experienced discrimination due to their ethnicity and religion.[39]

160. In 2016 within the project of the EU Asylum, Migration and Integration Fund "Information Centre for Immigrants" the cross-cultural education programme is implemented for different employees of the State, local government and NGO, introductory visits of the asylum seekers accommodated by Latvia to local governments take place, the NGO cooperation platform is established involving also the third-country nationals, and informative events for local public take place. In the spring of 2017, it is planned to commence the projects with the purpose of improving the quality of information provided by mass media and availability of the content to third-country nationals, preparing and involving media in the establishment of a constructive dialogue and mutual understanding between immigrants and the local society.

161. In addition to the above Latvia would like to inform that between 2011 and 2014 a number of measures were taken in order to educate employees of the State Police and promote public awareness about hate crimes. Issues related to combating hate crimes are included in the training programme on human rights of the State Police College. The State Police College has conducted studies and prepared many publications on these issues.

162. Between 2012 and 2013, representatives of the State Police College, State Police and Security Police participated in trainings on the phenomenon of radicalization and its recognition, which took place within the framework of the European Commission programme "Crime Prevention and Combating". During the project there were in total five training cycles, "Teachers' Manual" was drafted, as well as a booklet intended for the police officers for identification of hate crimes. The second edition of the booklet was drafted in 2014.

163. On 23 December 2014, the State Police and Organization for Security and Co-operation in Europe concluded a Memorandum regarding introduction of trainings on the fight against hate crimes in the programmes of law enforcement agencies. In 2015, Organization for Security and Co-operation in Europe implemented two training courses, which were intended for teachers of the State Police College and the heads of the structural units of the State Police. In future, such trainings will be included in the regular education process for employees of the State Police.

164. Identification and combating of hate crimes and instances of hate speech in the virtual environment is closely related to cybercrimes. At the national level, this issue is examined in the guidelines "Latvian Cybersecurity Strategy 2014-2018", because automated data processing system may be used as a medium for circulation of illegal information and information damaging reputation.

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[38] Data of the Office of Citizenship and Migration Affairs. Available here (in Latvian): *http://www.pmlp.gov.lv/lv/sakums/statistika/uzturesanas-atlaujas.html*.

[39] Research "Portrait of third-country nationals in Latvia" (2015), the Society Integration Foundation, available here (in Latvian): *http://www.sif.gov.lv/images/files/SIF/tres-valst-pils-gavt/Gramata_pilsoni_290815_web.pdf*.

165. Non-governmental sector provides important contribution to the prevention of hate speech. Between 1 July and 31 October 2014, the NGO Latvian Centre for Human Rights implemented the project "Strengthening of NGO Capacity to Limit Incitement to Hate on Internet". During the project NGO experts monitored the content and comments published on internet news portals, online versions of newspapers and magazines as well as social networks. The purpose was to identify hateful content, to report on that and to test how effective the different reporting methods are.

166. Latvia actively participates in the Hate Crime Working Group established by the EU Agency for Fundamental Rights. During the Latvian presidency of the Council of the EU in January — June 2015 the second meeting of the working group was organized in Riga.

167. In 2013, the Riga Graduate School of Law in cooperation with the Ministry of Foreign Affairs organized a conference "Promoting Tolerance in Latvia: Legislation, Policy and Practice". Latvia's and international experience in three areas was analysed: hate crimes as aggravating circumstances in the *Criminal Law*, development and implementation of action policy for promotion of tolerance in Latvia, as well as the role and responsibility of politicians in the context of hate speech and inclusive society. Such a conference was organized for the first time in 2012.

168. In 2016, the Security Police in cooperation with the State Police College implemented the adult informal education programme "Identification and Investigation of Hate Crimes". In order to ensure effective investigation of hate crimes, the State Police in cooperation with the Security Police and the State Police College has developed guidelines "Identification and Investigation of Hate Crimes", which, following the approval from the Prosecutor General Office, will serve as a manual for a police officer when working with this category of crimes.

169. In order to raise public understanding on the culture, history and social issues of the Latvian Roma, as well as about the negative influence of prejudices and stereotypes on the situation of Roma, the NGO Latvian Centre for Human Rights in cooperation with the Ministry of Culture since 2015 implements activities within the framework of the campaign of the European Council DOSTA! "Stop! Step over prejudices, get acquainted with Roma!".

170. Since 2015, the NGO Roma Culture Centre organizes the International Roma Culture Festival in order to promote public unity and cultural dialogue, and change prejudiced attitude of public against Roma in general and change the established stereotypes through the prism of art and culture.

171. The Ombudsperson is actively cooperating with societies of Roma for prevention of discrimination. For example, in 2011 the International Romani Union and the Ombudsperson signed the Cooperation Memorandum on prevention of discrimination against Roma. Within the framework of the established cooperation, the Ombudsperson has on number of occasions met with the Roma communities in different regions of Latvia. One of the most widespread issues the Roma are facing is lack of information on their rights and discriminatory attitude in the labour market. On 30 August 2012, on the first anniversary of the Cooperation Memorandum, the Ombudsperson informed the public about the assessment of the use of the funding granted by the EU and the State budget between 2007 and 2012 for solving the issues faced by the Roma community.

172. Between 2011 and 2016, the Ombudsperson has organised trainings in the area of prevention of discrimination for students of several higher educational institutions, employees of social services, State Police and employees of the State Labour Inspectorate. For example, in 2012 the Ombudsperson's Office in cooperation with the State Police College organised a course in raising professional qualification for employees of the State Police, in particular the investigators, on respecting human rights (including compliance with prohibition of discrimination) in the work of the State Police. In 2012, the Ombudsperson's Office in cooperation with the Union of Disabled Persons and Their Friends "Apeirons" organized a public information campaign "One could have a job here" aimed at the elimination of discrimination at workplaces. The purpose of the public information campaign was to prevent discrimination at work by drawing the attention of the job seekers to the information included in Curriculum vitae and motivation letters.

173. Between 2012 and 2016, the Ombudsperson has conducted several researches and reports on the issues of discrimination. For example, in 2012 a research was conducted on the understanding of the Latvia's inhabitants about human rights; in 2013 — "Compliance with the prohibition of discrimination in employment relationship with respect to young mothers", "Public opinion on the role of bilingual education in promotion of integration"; in 2014 — "Survey of Latvia's inhabitants regarding the rights of disabled persons", "Research on the implementation of the Convention On the Rights of Persons with Disabilities. Survey of Persons with Disabilities", "Bilingual Education"; in 2015 — "Monitoring of the UN Convention on the Rights of Persons with Disabilities 2010-2014", "Results of Survey of Local Governments"; and in 2016 — "Effectiveness of Rehabilitation of the Children with Disabilities in Latvia: Socio-Anthropological Aspect", "Effectiveness of Rehabilitation of the Children with Disabilities in Latvia: Social Work Aspect", "Exclusion of Political Parties from Pre-Election TV Debates Due to Their Insignificance" and "Compliance of the Minimum Medical Assistance Guaranteed by the Latvian State with Human Rights Standards".[40]

[40] Information on the studies as of 2012 is available on the website of the Ombudsperson's Office www.tiesibsargs.lv